

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

In the Matter of the Complaint for
Exoneration from or Limitation of
Liability by MATHORSI
BUSINESS CORP., d/b/a Rainboat
Boat Rentals, as owner of the 2018
23' Regal motorvessel, bearing Hull
Identification No.
RGMDC189B818,

Petitioner.

Case No. 2:21-cv-27-JLB-NPM
IN ADMIRALTY

**ORDER APPROVING AD INTERIM STIPULATION OF VALUE,
DIRECTING ISSUANCE OF NOTICES, AND RESTRAINING SUITS**

A Complaint has been filed herein on January 11, 2021, by MATHORSI BUSINESS CORP., d/b/a Rainboat Boat Rentals, for Exoneration from or Limitation of Liability regarding a 2018 23' Regal motor vessel, bearing Hull Identification No. RGMDC189B818, pursuant to 46 U.S.C. §30505 *et seq.* and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, for any damages or injuries resulting from an incident occurring on or about July 6, 2020 on the navigable waters near Cape Coral, Florida.

The Complaint alleges the value of Petitioner's interest in the said vessel does not exceed \$50,000.00, and the Petitioner claims there is no pending freight. The

Petitioner has deposited with the Court an Ad Interim Stipulation of Value as security for the benefit of Claimants, dated January 11, 2021, in the amount of \$50,000.00 plus interest at six percent (6%) per annum from July 6, 2020.

Accordingly, it is **ORDERED**:

1. The above-described Ad Interim Stipulation, deposited by Petitioner with the Court for the benefit of Claimants, in the sum of \$50,000.00, as security for the amount or value of the Petitioner's interest in the aforesaid vessel is hereby approved.

2. This Court, upon motion, shall cause due appraisalment of such value and may thereupon order the said security increased or reduced if it finds the amount thereof insufficient or excessive; and, upon demand, the Court may similarly order such increase or reduction if it finds that such an order is necessary to carry out the provisions of 46 U.S.C. §30505, as amended, in respected of loss of life or bodily injury.

3. A notice shall be issued by the Clerk of this Court and served by Petitioners to all persons asserting claims with respect to which the Complaint seeks exoneration or limitation admonishing them to file their respective claims with the Clerk of this Court in writing, and to serve on the attorneys for the Petitioner a copy thereof on or before **April 20, 2021**, or be defaulted, and that if any claimant desires to contest either the right to exoneration from or the right to

limitation of liability, he or she shall file and serve on the attorneys for Petitioner an answer to the Complaint on or before the said date, unless his or her claim has included an answer to the Complaint, so designated, or be defaulted.

4. The aforesaid notice shall be published in an approved newspaper as specified in the Admiralty and Practice Manual 6(a), once a week for four successive weeks prior to the date fixed for the filing of claims, as provided by Rule F; and copies of the notice shall also be mailed in accordance with Rule F.

5. The further prosecution of any and all actions, suits and proceedings already commenced and the commencement or prosecution thereafter of any and all suits, actions, or proceedings, of any nature and description whatsoever in any jurisdiction, and the taking of any steps and the making of any motion in such actions, suits, or proceedings against the Petitioner, as aforesaid, or against the 2018 23' Regal motorvessel, bearing Hull Identification No. RGMDC189B818, or against any property of the Petitioner except in this action, to recover damages for or in respect of any damages, injuries, or fatalities caused by or resulting from the accident of the aforesaid vessel as alleged in the Complaint, be and they hereby are, restrained, stayed, and enjoined until the hearing and determination of this action.

6. Service of this Order as a restraining order may be made through the Post Office by mailing a conformed copy thereof to the person or persons to be

restrained, or to their respective attorneys, or alternatively, by hand.

DONE and **ORDERED** in Fort Myers, Florida on February 23, 2021.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE